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Anthony Lerma

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IT IS HEREBY STIPULATED by and between Plaintiff Anthony Lerma (“Plaintiff”) and Defendant Dana N. Phan dba Tapioca Express (“Defendant”), by and through their respective counsel, that pursuant to Federal Rule of Civil Procedure 41(a)(2), Defendant Dana N. Phan dba Tapioca Express be dismissed with prejudice from this action.

IT IS FURTHER STIPULATED between Plaintiff and Defendant that this case has been settled as between them and all issues and controversies have been resolved to their mutual satisfaction. Plaintiff and Defendant request the Court to retain jurisdiction to enforce the terms of their settlement agreement under the authority of *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381-82 (1994).

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Lerma v. NTT McKee Retail Center, LLC, et al.
Stipulation for Dismissal: [Proposed] Order

1 Date: June 13, 2012

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/s/ Tanya E. Moore

Tanya E. Moore

Attorney for Plaintiff Anthony Lerma

Date: June 13, 2012

FARLING, HECHT & DAVIS LLP

/s/ Roger Hecht

Roger Hecht

Attorney for Defendant Dana N. Phan dba
Tapioca Express

ORDER

The parties having so stipulated,

IT IS HEREBY ORDERED as follows:

1. Plaintiff Anthony Lerma and Defendant Dana N. Phan dba Tapioca Express shall comply with the terms of the confidential Settlement Agreement and Release in Full, the terms of which are incorporated herein by reference.

2. By consent of Plaintiff Anthony Lerma and Defendant Dana N. Phan dba Tapioca Express, the Court shall retain jurisdiction in this matter for the purpose of enforcing the terms of the settlement agreement.

3. Except as provided for in paragraphs 1 and 2 above, Dana N. Phan dba Tapioca Express is dismissed with prejudice from this action.

IT IS SO ORDERED.

Dated: June 13, 2012



United States District Court Judge